

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TRUSTEES OF THE OPERATING ENGINEERS)
PENSION TRUST, et al.,)

Plaintiffs,)

vs.)

WILLIAMS BROTHERS, INC. et al.,)

Defendants.)

Case No. 2: 12-cv-00454-GMN-PAL

ORDER

(Amended Mtn to Withdraw - Dkt. ##24, 25)

This matter is before the court on the Amended Motions to Withdraw (Dkt. ##24 & 25) filed February 5, 2012. The Amended Motions to Withdraw (Dkt. ##24, 25) are identical, and in them, Mr. John Muije seeks to withdraw as counsel of record for Defendants Williams Brothers, Inc.; Darin B. Gubler; Michael L. Peek; and Mark F. Gubler ("Defendants").¹

Counsel contends that Defendants are not cooperating in the defense of this case, and despite attempts, has been unable to communicate adequately with Defendants either orally or in writing. In addition, there are substantial differences of opinion between counsel and Defendants, which have hindered counsel's ability to represent them properly. Finally, Defendants are unable to continue paying for counsel's services. Thus, Mr. Muije seeks leave to withdraw.

Having reviewed and considered the matter, and for good cause shown,

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¹The Amended Motions replace two other Motions to Withdraw (Dkt. ##22, 23) filed February 4, 2013, which each contain different errors. The Clerk of the Court has terminated the original Motions. In the future, counsel should file any amended papers using the Notice of Corrected Image event in CM/ECF and should indicate the nature of the correction in the Amended Motion. By doing this, the incorrect image is replaced with the corrected one, and this prevents confusion in the docket and eliminates guesswork by the court as to the nature of the amendment.

IT IS ORDERED:

1. The Amended Motion to Withdraw (Dkt. #24) is GRANTED.
2. The second Amended Motion to Withdraw (Dkt. #25) is STRICKEN.
3. A corporation cannot appear except through counsel. *Rowland v. California Men's Colony*, 506 U.S. 194, 201-02 (1993); *U.S. v. High Country Broadcasting Co., Inc.*, 3 F.3d 1244, 1245 (9th Cir. 1993). Therefore, Defendant Williams Brothers, Inc., shall have until **March 11, 2013**, in which to retain new counsel who shall file a notice of appearance in accordance with the Local Rules of Practice.
4. Defendants Michael L. Peek, Mark F. Gubler, and Darin B. Gubler shall have until **March 11, 2013**, in which to either: (a) file a statement that they will proceed pro se; or (b) retain counsel who shall file a notice of appearance in accordance with the Local Rules of Practice.
5. Failure to comply with this order may result in a recommendation to the District Judge for sanctions, including case-dispositive sanctions.
6. The Clerk of Court shall serve a copy of this Order on Defendants at:

Williams Brothers, Inc.
6440 Sky Point Drive, Suite 140-385
Las Vegas, NV 89131

Michael L. Peek
6440 Sky Point Drive, Suite 140-385
Las Vegas, NV 89131

Mark F. Gubler
11216 Crosseto Drive
Las Vegas, NV 89141

Darin B. Gubler
1876 Montefiore Walk
Henderson, NV 89044

Dated this 11th day of February, 2013.


PEGGY A. LEEN
UNITED STATES MAGISTRATE JUDGE